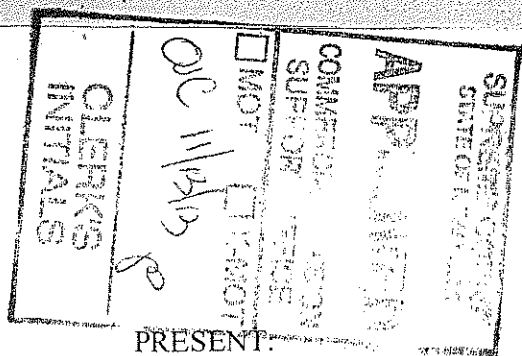


Exhibit 57



At IAS, Part 53 of the Supreme Court of the State of New York, held in and for the County of New York at the Courthouse located at 60 Centre Street, New York, New York on the 13th day of November 2013.

HON. CHARLES E. RAMOS
J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
ORCHARD HOTEL, LLC,

Plaintiff,

-against-

D.A.B. GROUP, LLC; ORCHARD CONSTRUCTION, LLC; FLINTLOCK CONSTRUCTION SERVICES LLC; JJ K MECHANICAL INC.; EDWARD MILLS & ASSOCIATES, ARCHITECTS PC; CASINO DEVELOPMENT GROUP, INC.; CITYWIDE CONSTRUCTION WORKS INC.; EMPIRE TRANSIT MIX INC.; MARJAM SUPPLY CO., INC.; ROTAVELE ELEVATOR INC.; SMK ASSOCIATES INC.; FJF ELECTRICAL CO. INC.; CITY OF NEW YORK; NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE; LEONARD B. JOHNSON; CITY OF NEW YORK ENVIRONMENTAL CONTROL BOARD; BROOKLYN FEDERAL SAVINGS BANK; STATE BANK OF TEXAS and JOHN DOE #1 through JOHN DOE #100, the last 100 names being fictitious, their true identities unknown to plaintiffs, and intended to be the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises described in the complaint,

Defendants.
-----X

13M27805
INDEXED 015
Index No. 850044/2011

**ORDER TO SHOW CAUSE
FOR PRELIMINARY
INJUNCTION WITH
TEMPORARY
RESTRAINING ORDER**

FEE PAID
NOV 13 2013
NEW YORK
COUNTY CLERK'S OFFICE

UPON reading the Affirmation of Urgency Y. David Scharf in Support of Preliminary Injunction and *Ex Parte* Temporary Restraining Order dated November 12, 2013 and all exhibits thereto, the Affidavit of Jordan Socaransky dated November 12, 2013, the Affidavit of Chad

Goodman dated November 12, 2013, and all prior pleadings, papers and proceedings heretofore had herein, and sufficient cause having been shown;

IT IS HEREBY ORDERED that Defendant D.A.B. Group LLC ("D.A.B. Group") or its attorneys show cause before this Court at Part 53, Room 238 on the 18th day of November, 2013, at 11:00 a.m./~~p.m.~~, or as soon thereafter as counsel can be heard, why an Order should not be made and entered pursuant to CPLR 6301 and 6311:

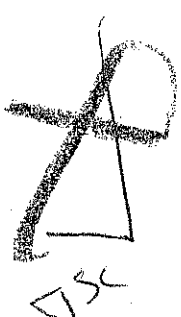
- a. enjoining the principal of D.A.B. Group, Ben Zhavian (a.k.a. "Zvi Benjamin Shavian," a.k.a. "Ben Zahavian") ("Zhavian"), from threatening anyone affiliated with Plaintiff Orchard Hotel, LLC ("Orchard Hotel"), including without limitation Jordan Socaransky, Chad Goodman, David Aviram and Edward Martell, and any of Orchard Hotel's attorneys, including without limitation Danielle Lesser and Y. David Scharf,
- b. enjoining Zhavian from any communications or contact with anyone affiliated with Orchard Hotel outside of the presence of D.A.B. Group's counsel and Orchard Hotel's counsel,
- c. enjoining Zhavian from entering upon or taking any action pertaining to 139-141 Orchard Street, New York, New York (the "Mortgaged Property") outside the presence of Court-appointed Receiver Simon Miller,
- d. directing D.A.B. Group's counsel, William Wallace, to submit to a deposition by Orchard Hotel's counsel for the limited purpose of ascertaining whether Zhavian has communicated to Wallace any threats to physically harm any person relating to this action or to damage the Mortgaged Property and, if so, what action

Wallace has taken in response thereto,

- e. directing Flintlock Construction Services LLC's counsel, Larry Hollander, to submit to a deposition by Orchard Hotel's counsel for the limited purpose of ascertaining whether Zhavian has communicated to Hollander any threats to physically harm any person relating to this action or to damage the Mortgaged Property and, if so, what action Hollander has taken in response thereto, and
- f. providing such further relief as the Court deems appropriate under the circumstances.

IT IS FURTHER ORDERED that Orchard Hotel, by its counsel Morrison Cohen LLP, having moved for an *ex parte* temporary restraining order pursuant to CPLR 6301 and 6313 upon the ground that Zhavian's ^{alleged} recent and serious threats of bodily harm to Orchard Hotel's managers and attorneys have created the legitimate concern that Zhavian will physically harm someone or damage the Mortgaged Property, and Orchard Hotel having ^{alleged} shown that significant prejudice will result by giving notice pursuant to Rules 19, 20 and 24 of Section 302.70 of the Uniform Rules of the Supreme and County Courts, Commercial Division, ^{Pending the hearing of this order to show cause} Zhavian is hereby enjoined and restrained from:

- a. threatening anyone affiliated with Orchard Hotel, including without limitation Jordan Socaransky, Chad Goodman, David Aviram and Edward Martell, and any of Orchard Hotel's attorneys, including without limitation Danielle Lesser or Y. David Scharf,
- b. communicating with or contacting anyone affiliated with Orchard Hotel outside of the presence of D.A.B. Group's counsel and Orchard Hotel's counsel, and



c. entering upon or taking any action pertaining to the Mortgaged Property outside the presence of Court-appointed Receiver Simon Miller, such injunction and restraint to remain in effect pending the hearing of Orchard Hotel's application for the preliminary injunction set forth above; and

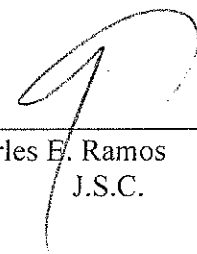
IT IS HEREBY ORDERED that service of a copy of this Order to Show Cause, together with all of the supporting papers upon which it is based, on or before November ___, 2013 upon Favata & Wallace LLP as counsel for D.A.B. Group and Larry Hollander shall be deemed good and sufficient service; and

IT IS FURTHER ORDERED that any papers in opposition to this motion shall be filed with this Court and served upon Morrison Cohen LLP as counsel for Orchard Hotel on or before 11/18, 2013; and

~~IT IS FURTHER ORDERED that reply papers, if any, shall be filed with this Court and served upon Favata & Wallace LLP and Larry Hollander on or before _____, 2013.~~

Dated: New York, New York
November 13, 2013

ENTER:



Hon. Charles E. Ramos
J.S.C.

**ORAL ARGUMENT
DIRECTED**



J.S.C.